

Court Upholds CPM Clients Consumers' Claims that Vizio Unlawfully Collects and Uses Private Consumer Data Collected through its Smart TVs in Cutting-Edge Privacy Case

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A federal court judge has upheld privacy-related claims related to the collection and sale of consumer viewer data by Vizio. CPM is co-lead counsel in the class action lawsuit, which alleges that the TV maker failed to inform consumers that it is gathering their viewing histories, including what shows they watch, IP addresses, zip codes, product model numbers, hardware and software versions, chipset IDs, region and language settings, and other data.

On March 2, 2017, U.S. District Court Judge Josephine Staton (C.D. Cal.) entered a very favorable Order largely denying Vizio's motion to dismiss the lawsuit. Plaintiffs' claims under the federal Video Privacy Protection Act ("VPPA") and claims based on material omissions were upheld, along with state unfair competition law claims, state law invasion of privacy claims, and unjust enrichment claims..

The Order cites Vizio's claims made to its investors regarding its invasive data collection program and its ability to collect and track data.

"Plaintiffs have thus plausibly alleged that Vizio's provision of -- to quote its own prospectus -- 'highly specific viewing behavior data on a massive scale with great accuracy' amounts to the disclosure of personally identifiable information." March 2, 2017 Order at p. 24.

In April 2016, the Judicial Panel on Multidistrict Litigation centralized *In re Vizio, Inc. Consumer Privacy Litigation*, Case No. 8:16-md-02693-JLS (KESx), before Judge Staton in the Central District of California.

Cotchett, Pitre & McCarthy, LLP were appointed co-lead counsel to lead the litigation. The CPM team litigating the case includes Joseph W.

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Practice Areas

Consumer Protection Class Actions

Privacy & Intellectual Property

COURT UPHOLDS CPM CLIENTS CONSUMERS' CLAIMS THAT VIZIO UNLAWFULLY COLLECTS AND USES PRIVATE CONSUMER DATA COLLECTED THROUGH ITS SMART TVS IN CUTTING-EDGE PRIVACY CASE

Cotchett and Adam J. Zapala.